

February 26, 1976

Senator Syas, the other day, brought in a letter from the Attorney General questioning the constitutionality of enacting or altering or changing statutes through the budget procedure. Now we're doing the same thing again on this. As Senator Carsten pointed out earlier, the Committee's main opposition wasn't to exactly what Senator Bereuter wants to do. I personally think that cash funds need to be looked at. I would like to look at all cash funds, not just cash funds within one agency. I think it's somewhat unfair to pick out just the Tax Commissioners Office and go after that specific cash fund.

So I was opposed to this bill for broader reasons than the majority of the Committee opposition. I think the precedent has been established that certainly, I guess it was yesterday we were talking on another issue and another amendment onto an appropriation bill. We said the Attorney General's opinion was that we could not alter existing legislation through an appropriation bill. We're repeating that. We're attempting to do the same thing here. So if it was right yesterday, it would be equally right today. For that reason I think we should vote down this amendment.

PRESIDENT: Senator Bereuter.

SENATOR BEREUTER: Mr. President, is my light the only one on? Do you want me to close or just....

PRESIDENT: Oh, no. There's several, Senator.

SENATOR BEREUTER: I have a question for Senator Dworak. Senator Dworak, will you answer?

SENATOR DWORAK: Yes.

SENATOR BEREUTER: Senator Dworak, are you aware of the fact that this is not a budget bill? I take it you're not from your comments? Are you aware of the fact that this is not a budget bill?

SENATOR DWORAK: No, I was not aware of it.

SENATOR BEREUTER: It is not a budget bill if you take a look at it, Senator Dworak. It's from the Appropriations Committee but it's not a budget bill. Therefore, there's no problem with the point that Senator Syas validly raised yesterday.

I'd like to just repeat what's happening here. We're proposing that the money coming from the municipal sales tax would go to General Fund rather than to a cash fund. This is a bill that has to do with changing procedures relating to the Tax Commissioner, still called the old language ... the Tax Commissioner under this law. So this would be an appropriate place to put the measure.

I would implore the members of the Legislature, do not give to the Appropriations Committee responsibility ... primary responsibility for legislative oversight and then tie our hands. We need greater accountability on the expenditure of these funds. One very good way to get it will be to put this money in the General Fund and then reallocate it to the Tax Commissioner to the extent that he needs that money.